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APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,447	07	/29/2003	Yariv Sadeh	P-5880-US	4853
27130	7590	04/06/2005		EXAMINER	
-	•	TZER & COHEN	WUJCIAK,	WUJCIAK, ALFRED J	
10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			ART UNIT	PAPER NUMBER	
	-			3632	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/628,447	SADEH ET AL.					
Office Action Summary	Examiner	Art Unit					
	Alfred Joseph Wujciak III	3632					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period of the period for reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
2a) ☐ This action is FINAL . 2b) ☐ This 3) ☐ Since this application is in condition for allowa	Responsive to communication(s) filed on 18.5 January 2005. This action is FINAL . 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) ⊠ Claim(s) 1,3,5,8 and 17 is/are pending in the a 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1,3,5,8 and 17 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	wn from consideration.						
Application Papers							
9) The specification is objected to by the Examine 10) The drawing(s) filed on 29 July 2003 is/are: a) Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	\boxtimes accepted or b) \square objected to b drawing(s) be held in abeyance. See tion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2/2/05.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa						

DETAILED ACTION

This is the final Office Action for the serial number 10/628,447, APPARATUS AND METHOD FOR ADHERING AND RELEASING ITEMS, filed on 7/29/03.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/2/05 was filed after the mailing date of the first office action date on 10/20/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 6,302,363 to Olson et al.

Olson et al. teaches a magnetic utility apparatus comprising an apparatus body (figure 1). The body having at least two sides (11-12) and the sides meeting at a base (13) having an angle of more than 180 degrees (col. 2, lines 62-65) and a magnet (14) on at least one side of the apparatus body. The apparatus includes at least one pressing zone (on top surface of 11 or 12) to

Art Unit: 3632

rockably activate the magnetic utility. The apparatus comprises a plurality of magnets (14-15). The apparatus includes at least one detachable side (figure 2 shows that one side is mounting on the surface of 17 and the other side is detachable from the surface of 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al.

Olson et al. teaches the apparatus but fails to teach the apparatus include a display apparatus, however on figure 6 of Olson et al.'s invention which is a different embodiment shows that the apparatus having display apparatus (54, picture of a bottle on the side of apparatus). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added display apparatus on figure 1 of Olson et al.'s invention to provide display or advertising on the apparatus to improve the appearance of it.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. in view of US Patent Application Publication # 2002/0130231 to Winnard.

Olson et al. teaches the magnet but fails to teach the magnet is NdFeB based. Winnard teaches the magnet is NdFeB based (specification page 3, section 0041). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified

Olson et al. magnet with NdFeB as taught by Winnard to provide designer's choice for kind of magnet to use to suspend the apparatus on a surface.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5, 8 and 17 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is

Application/Control Number: 10/628,447

Art Unit: 3632

(703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

Art Unit 3632

3/28/05

Page 5